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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/532,666
Confirmation No. : 8703
Applicant : Baret et al
Filed : 27 April 2005
Title : Method for parametering a field device of
automation technology
TC/A.U. : 2184
Examiner : Elias Mamo
Docket No. : BARE3001/FJD
Customer No. : 23364

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a copy of corrected page 2 of the Appeal Brief identifying the status of all the claims which are subject to this appeal.

Respectfully submitted,
BACON & THOMAS, PLLC

Date: April 27, 2009

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RELATED APPEALS AND INTERFERENCES

(37 CFR 41.37(c)(1)(ii))

There are no related appeals or interferences with respect to the invention defined in this application.

STATUS OF CLAIMS

(37 CFR 41.37(c)(1)(iii))

Claims 1 - 3 have been cancelled.

Claims 4 - 6 are pending in this application.

Claims 4 - 6 have been finally rejected. Claims 4-6 are therefore the subject of this appeal.

STATUS OF AMENDMENTS

(37 CFR 41.37(c)(1)(iv))

A REQUEST FOR RECONSIDERATION WITH AMENDMENT was filed in response to the Office Action of July 28, 2008. The amendment was to claim 4 by which "on-signed" was to be changed to "on-site." An obvious error, which the examiner refused to enter alleging that the amendment "raise new issues that would require further consideration and/or search." In his explanation on page 3 of the Advisory Action of December 11, 2008, the examiner stated that because of the "proposed amendment, a new search technique need to be formulated and further search need to be conducted." Why? The amendment was proposed to correct an obvious error. Note claim 1 of the claims included in the English translation filed with the RESPONSE to the NOTIFICATION OF MISSING REQUIREMENTS filed on April 17, 2006 as well as the PRELIMINARY AMENDMENT filed with the noted RESPONSE, both of which state "on - site." Line 5 of claim 4, which was not changed also recites "on-site operating means."

The error was introduced by the RESPONSE filed April 28, 2008. It was this error that applicant was attempting to correct.

Accordingly, an amendment is being filed concurrently herewith to correct